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   Telephone: (510) 232-6559
   California State Bar No. 113009
   Attorney for Petitioner
   NAVNEET GHOTRA
6
                     UNITED STATES DISTRICT COURT
7
                    NORTHERN DISTRICT OF CALIFORNIA
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9
                                  ) CASE NO: C07-4428 MMC
   NAVNEET GHOTRA,
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        Petitioner,
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                                  ) PETITIONER'S AMENDED THIRD
12
   V.
                                  ) UNOPPOSED MOTION TO EXTEND TIME
                                  ) BY ONE BUSINESS DAY TO FILE
   MICHAEL CHERTOFF, Secretary, ) REPLY TO OPPOSITION TO
13
                          Homeland) PETITION; PROPOSED ORDER
   Department
                   of
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   Security, NANCY ALCANTAR, Field)
                       Immigration) [Alien Registration No.:
   Office Director,
1.5
                                    A77 381 997]
   and Customs Enforcement, and
   ALBERTO
             GONZALES,
                         Attorney!
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   General of the United States,
                                  ) Hearing Date: October 12, 2007
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                                  ) Time: 9:00 a.m.
        Respondent.
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        Pursuant to Local Rules 6-1 and 6-3, Navneet Ghotra,
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   petitioner herein, hereby respectfully moves the Judge of the
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   United States District Court, Northern District of California,
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   for an order extending the time to reply to Respondent's
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   Opposition to Petition for Writ of Habeas Corpus from the
   current due date of October 2, 2007 to the next business day,
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   October 3, 2007.
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Counsel for respondents herein, Edward Olsen, Assistant United States Attorney, United States Attorney Office, does not oppose this motion.

The reason for this motion is that counsel for petitioner has been in protracted contested habeas corpus proceedings in Garcia Garnica v. Chertoff, et. al., United States District Court, Northern District of California, Case No. C07-4953 SBA and Garcia Garnica v. Chertoff, et. al., United States Court of Appeals for the Ninth Circuit, Case No. 07-16737, and Case No. 05-75751, recall of mandate, and on October 2, 2007, counsel had to complete an amended brief in Fonseca Ramirez v. Gonzales, United States Court of Appeals for the Ninth Circuit, Case No. 04-73367, for the past eight days and has been unable to complete the reply due to the unanticipated conflict.

Based on the foregoing, it is respectfully requested that the motion be granted.

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Dated: October 2, 2007

/s/

JAMES TODD BENNETT Attorney for Petitioner Navneet Ghotra

DECLARATION OF COUNSEL

- I, James Todd Bennett, hereby declare that:
- 1. I am an attorney at law, duly licensed to practice law by the California State Bar.
 - 2. I am counsel of record for petitioner herein.

- 3. The reply to the Respondent's Opposition to Petition for Writ of Habeas Corpus is currently due by September 28, 2007 by the court's order pursuant to stipulation by the parties.
- 4. For the past eight days, I have been in protracted contested habeas corpus proceedings in <u>Garcia Garnica v. Chertoff, et. al.</u>, United States District Court, Northern District of California, Case No. C07-4953 SBA, and before the United States Court of Appeals for the Ninth Circuit, Case No. 07-16737, followed by a motion to recall mandate and reinstate proceedings in Case No. 05-75751. On October 2, 2007, counsel was delayed in an immigration hearing and then had to complete the amended brief in <u>Fonseca Ramirez v. Gonzales</u>, United States Court of Appeals for the Ninth Circuit, Case No. 04-73367.
- 5. I am unable to complete the reply herein by October 1, 2007 due to the conflict and request leave to October 2, 2007 within which to respond.
- 6. On October 2, 2007 I conferred with Edward Olsen, Assistant United States Attorney, United States Attorney Office, counsel for respondents, and he stated he does not oppose this motion.
 - 7. One prior modification has been requested and granted.
- 8. The requested extension will not modify the hearing date of October 12, 2007 unless otherwise ordered by the court.

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9. Based on the foregoing, it is requested that the time to reply be extended to October 3, 2007.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 2, 2007 at El Cerrito, California.

_____/s/ JAMES TODD BENNETT

PROPOSED ORDER

Upon a showing of good cause:

The time for petitioner to reply to the Respondent's Opposition to Petition for Writ of Habeas Corpus is extended to

October 3, 2007.

MAKINE M. CHESNEY
United States District Judge